

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00495

Joseph Dasek,
Plaintiff,

v.

East Texas Treatment Facility,
Defendant.

ORDER

Plaintiff Joseph Dasek, a former inmate of the East Texas Treatment Facility in Henderson, Texas, proceeding pro se, filed this lawsuit complaining of alleged deprivations of his constitutional rights. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 2.


The magistrate judge ordered plaintiff to pay the statutory filing fee or seek leave to proceed *in forma pauperis* in accordance with 28 U.S.C. § 1915(b). Doc. 4. The magistrate judge also ordered plaintiff to file an amended complaint setting out a short and plain statement of his claims. Doc. 3.

When plaintiff did not respond to these orders, the magistrate judge issued a report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the court. Doc. 5. A copy of this report was sent to plaintiff at his last known address, but it was returned as undeliverable. To date, plaintiff has not advised the court of his present mailing address or current whereabouts.

The complaint form which plaintiff filed contains a declaration stating “I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit. Doc. 1 at 5. *See also* Local Rule CV-11(d) (“A pro se litigant must provide the Court with a physical address . . . and is responsible for keeping the clerk advised in writing of his or her current physical address.”).

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The lawsuit is dismissed without prejudice for failure to prosecute or to obey an order of the court.

So ordered by the court on February 14, 2024.



J. CAMPBELL BARKER
United States District Judge